



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
Song K. Jung
1900 K Street, N. W.
Washington, DC 20006

COPY MAILED

JUN 28 2005

OFFICE OF PETITIONS

In re Application of	:	
Soo Keun Lee, et al.	:	
Application No. 10/676,097	:	DECISION ON PETITION
Filed: October 2, 2003	:	
Attorney Docket No. 27427.009.00-US	:	

This is a decision on the petition, filed May 27, 2005, to accord the above-identified application a filing date of October 2, 2003, with Figures 8-18 as part of the original application disclosure. This petition is properly treated under §1.53(e)(2)¹.

The application was filed on October 2, 2003. However, on May 16, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicant was notified that the application papers had been accorded a filing date; however, Figures 8-18 appeared to have been omitted from the application.

In response, applicant timely filed the petition. Petitioner asserts that Figures 8-18 was included with the application when filed. In support thereof, petitioner submits a copy of a return postcard receipt.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in OIPE on October 2, 2003; 2) it specifically identifies the items being filed, including "18 drawings (14 sheets)" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted, including the 14 sheets of drawing, were filed on October 2, 2003 and should be included in the original application papers.

Accordingly, the petition is **GRANTED**.

¹ §1.53(e) Failure to meet filing date requirements.

... (2) Any request for review of ... a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(h). In the absence of a timely (§1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Given the basis for granting the petition, the petition fee of \$400 will be credited to petitioner's deposit account in due course.

This application file is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of October 2, 2003, using the Figures 8-18 supplied with the instant petition.**

Telephone inquiries concerning this matter may be directed to Marianne Jenkins at (571) 272-3223.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a stylized flourish at the end.

Brian Hearn
Senior Petitions Examiner
Office of Petitions